

Town of Buxton
Minutes for February 17, 2016 Selectmen's Meeting

Prepared by: Beverly Gammon

Members Present: Clifford L. Emery, Jean C. Harmon, Peter E. W. Burns, Dennis Santolucito, Chad E. Poitras

Others Present: Nathan Schools, David Harmon, Julie Gamelson, Patrick Hanna, Brad Garand, Melinda Garand, Scott Warchol, Robert Elwell

Public Hearing – 7:00 PM

Application for new Liquor License & Special Amusement Permit for Danielle M. Johannesen, D/B/A Skip's Lounge

Clifford Emery, Chairman of the Board, read the Public Hearing Notice and then opened the Public Hearing at 7:02 PM. He asked several Department Heads to report their findings in recent inspections of Skip's Lounge.

Nathan Schools, Fire-Rescue Chief reported that the sprinkler system froze up and was out of service but is back in service now and has been certified by Eastern Fire. Chief Schools reported that there is nothing else outstanding with the exception of some housekeeping issues such as fire extinguishers that need to be mounted. Chief Schools said there is nothing outstanding from a life safety standpoint from Fire-Rescue. Selectman Emery asked about the extension cords and Chief Schools said they are using them to run some hall lights and small Christmas lights. Selectman Burns asked if there were any repeat issues since the Chief's last inspection. Chief Schools said the fire extinguishers and a breaker box that needs to be labeled were the only two that have been on the list since the last inspection.

Peter Gordon, Code Enforcement Officer, reported that he was there yesterday afternoon and noticed that the rest rooms in the lounge area do not have handicapped sinks. The sinks in the dance floor area are but he recommended when they go to upgrade in the lounge area they replace the ones there with handicapped sinks. Mr. Gordon also noted that if someone proposes to open the Fish & Chips shop (restaurant) that would require a Use Permit from the Planning Board.

Michael Grovo, Police Chief, reported that in doing a background check as we do with all applicants he found some things that rose awareness. Danielle Johannesen has had 3 OUI convictions and has been convicted of driving while her license was revoked although she does have her license back as of last Friday. Chief Grovo reported that the OUI convictions were all within a ten year period. The first OUI conviction was in Portland in 2006, the second was in Vermont in 2008, and the last one was in Florida in 2009. The conviction for operating after suspension was in August of 2013.

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Selectman Emery asked Danielle Johannesen to go to the podium. The Selectmen asked questions and Ms. Johannesen responded with the following information. She is currently employed by Skip's and will be paid from proceeds from the business. She said she has applied for an LLC so she will eventually be part of the business. She will be doing the accounting and bookkeeping. She said she and her staff all have T.I.P.S. training (Training for Intervention Procedures by Servers), and she will hire security which has already been employed through Skip's to monitor busier nights. Danielle Johannesen said she also attended business school for marketing so she has some accounting background. She will not be serving food in the lounge, just chips and snacks. She told the Board that she is going to be in charge of hiring and firing staff. She responded to a question from Selectman Harmon about the maximum number of people the building will hold and said with both sides it is 260. She was asked if she has applied for a Dance License and responded that she has applied in Buxton for a Special Amusement Permit. The Selectmen explained that the Special Amusement Permit is not the same as the Dance License she would get from the State. Danielle said she is planning to have entertainment on Fridays and Saturdays every weekend. The hours will be 10:00 AM – 1:00 AM.

Selectman Burns asked the applicant if she has a business plan and if she has projected income sufficient to meet her financial commitment to pay William Ham III \$2731.00 weekly under the terms of her lease agreement. She replied "yes" and said it is based on previous sales and sales she has witnessed as a bartender. When asked if she is going to tend bar she replied that she may do a shift or two during the week but for the most part she will be a back office manager. She does not have a bartender license. Selectman Santolucito asked her if the T.I.P.S. training is training to tell when someone has had too much to drink. Danielle replied "yes".

Selectman Emery expressed to the applicant that the Board has some trepidation based on past history with this establishment and concern for the health and safety of the public. He said this is a big responsibility that cannot be taken lightly and went on to say that; people come out of these establishments drunk and they should not be on the road and he expects that has happened when she has been there tending bar. He explained that the police have stopped many people coming from that establishment who were over the limit so in spite of the applicant saying she and staff have had training and know what they are doing, there is obviously someone who does not know because too many people have walked out of there and driven while over the limit. Selectman Emery said the Board takes this into consideration along with the disregard the applicant has had in the past for innocent people on the road, it creates a lot of concern and doubt that she will run this establishment the way it should be run. The Board feels that someone has got to do a much better job than what has been done in the past and the Selectmen have to think about the public as well. Selectman Emery explained that a lot of thought has to go into the decision about whether or not they approve this Liquor License. Selectman Emery said the Board will not make a final decision tonight. There is a lot of information the Selectmen need to go over. He said they may not have the decision in the next week but they will make the final decision as soon as they possibly can.

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Danielle Johannesen told the Board that she has been known to drag someone home at the end of the night, provide water, or cut people off to provide safety because she agrees that it is the other people on the road that matter not just the paying customers.

Selectman Emery said the Board appreciates that but the fact is that people have been coming out of that establishment that are over the legal limit and that is the Board's concern. He said training is fine but if people do not practice what they have learned, it does no good.

Danielle Johannesen said she feels strongly about this being a part of the community and wants to bring in people to do other things like more music, craft fairs and other things that might bring in community in a more family-centered way and take the focus away from over-consuming.

The Board thanked her and said they will make a decision as soon as they can.

The Chairman asked if anyone from the public would like to speak.

Dwight Walsh spoke in support of the applicant. He thought the Board was going to shut down the business for 60 days and said he thought that was way too long. Selectman Emery explained that the Board is not shutting down the business but it has 60 days to act on the Liquor License Application.

Robert Elwell went to the podium and asked questions about fund-raising events at the bar and whether or not Danielle Johannesen paid all the fines for her violations. She said she has.

There were no other questions or comments and the Board closed the Public Hearing at 7:28 PM.

Selectmen's Meeting Agenda

1. Call to Order

Selectman Emery called the meeting to order at 7:29 PM.

2. Pledge of Allegiance

The Board recited the Pledge.

3. Approval of Prior Meeting Minutes

*Selectmen Meeting Minutes February 10, 2016
Approved 5-0*

4. Discussion held between 4:00 & 7:00 p.m.

At 4:00 PM the Board went through the Recreation Department budget.

Around 4:30 PM the Board went through the Police Department budget.

After finishing those budgets, the Selectmen met with the Tax Collector to discuss a property here in town.

5. Review of Correspondence

- *Legislative Bulletin Volume #5 from Maine Municipal Association*
- *Email from Maine CDC – Re: Maine Rabies 4th Quarter Update*
- *Email from Marston Lovell, York County Commissioners – Re: Stackpole Creek Bridge on Simpson Road*
- *Email from Buxton Business District Focus Group – Re: Meeting Minutes for January 13 and February 3*
- *Email from Kayla White, Maine DOT – Re: Buxton-Hollis Progress Meeting Minutes 2-9-16 & Project Schedule*
- *Email from Senator King's Office – Re: Information on ConnectME Planning Grants*

6. Review of Projects and Issues

Selectman Santolucito reported that he attended the SAD #6 Budget Advisory Committee Meeting last week. He said based on preliminary numbers it looks like a net loss of about \$53,000 in state funding. He reminded people that the number can move over the next few months. Some of the other districts were more significantly impacted and the general sense is that those communities are going to lobby to get more of the pool of money that is available. If the other districts get that relief, Selectman Santolucito said it could mean that SAD #6 gets hit even harder. He said the budget continues to move forward but we don't know what it is going to look like. Right now it looks like Buxton's increase may be somewhere between \$185,000 and \$200,000; but that this is a very fluid number.

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The Budget Advisory Committee has another meeting on February 18 and things will begin to start to move forward very quickly.

Selectman Santolucito reported that he has been working on budget items and is still waiting for pricing on some increased security and surveillance.

Selectman Santolucito talked about scams affecting Maine seniors and gave an example involving an alleged IRS call to a Buxton resident. The resident called the number back and said "you must think we are fools to fall for this". The man on the other end said "we do think you are fools and we are going to get you". Selectman Santolucito cautioned people who might get one of these calls to not give out any information. He recommended hanging up the phone. He said there is a national number where you can report that and he is going to look into putting a link on our website where people can get that information. He said fraud is real so be very careful.

Selectman Harmon has been in every day, reviewing budgets, and finishing up her piece of the budget for insurance. She mentioned that the Board will be interviewing tomorrow for the Chief of Police position.

Selectman Burns reported that he was in today and Friday talking with Chet Ouellette about some quotes on some equipment they are proposing to put in the budget.

Selectman Burns mentioned the Legislative Bulletin put out by Maine Municipal on February 12 that included some important information. He said there is a formula the state uses to decide how much the state is going to pay and how much property owners are going to pay for the school system. The state is supposed to pay 55% of k-12 education but they have never lived up to that. They are at about 47% for the current year and the state contribution for 2016-17 will remain flat. He said there will be no supplemental budget. Last year after all the budgets went in and the school budget was approved, the state didn't finish the supplemental budget until the end of June so the budget had already been set for the following school year. That money has been put into an account and will be carried forward to help defer the tax burden for the property taxpayers for this coming year. Mr. Burns went on to explain the EPS (Essential Programs & Services) allocation formula the state uses where they take the valuation of each town's property and apply a formula that has to have a certain mill rate. In 2007 that mil rate started at 7.6 then it dropped to 7.44; in 2009 it went to 6.79; in 2010 it went to 6.69 and then it started going back up. In 2011 it went to 6.96; in 2012 was 7.5, then to 7.8; in 2014 it was 7.86, 2015 was 8.10, 2016 was 8.23 and the projection for 2017 is 8.44 so the State can keep level funding their portion and jack up the mil rate that each community has to charge on their property taxes so that our share continues to grow and the state keeps its share flat. This is why our taxes are going up for the schools. The state is not paying the 55% that the law requires. Selectman Burns encouraged everyone to notify their elected representatives and say that it is time for the state to pay their share of 55% and stop putting it off on the property owners. He also talked about a bill that just moved out of the Education Committee this past week that

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says that they want to make the minimum wage for starting pay for teachers \$40,000. A few years ago they put it to \$32,000, now it is going to \$40, 000 which will cost millions of dollars that we property owners are going to end up paying in property taxes. Selectman Burns mentioned a petition that went out asking if people are in favor of putting a 2% tax on people who make over \$200k. This money would go for K-12 education and not to be spent on administration. He believes that has gone to Augusta. He said people are getting fed up with being stuck with the part the state will not pick up. Again, Selectman Burns encouraged people to write their representatives and complain.

Selectman Poitras reported that he was in most days since the last meeting. He is still waiting for a quote for one of the budget items he is working on which is the sluiceway repair on Route 112 in West Buxton. He and Selectman Emery attended a Planning Board meeting Monday night and mentioned that a resident had written a letter to the Board with a concern about a proposed housing development in his area.

Selectman Poitras also said he worked this past week with a person here in town on a concerning matter.

Selectman Emery said he has been working on finishing up his pieces of the budget, and putting information together for the Public Hearing tonight. He talked about the Planning Board Meeting he attended and said he went in an effort to keep up with what is going on around town. Selectman Emery said he has been working with Bev on some issues she had, getting answers, calling in, and gathering information. He said the Board is bringing in Department heads so they can get those budgets to the committee. The only ones they have left to do are Public Works and Fire-Rescue.

The Selectmen had a brief discussion about when they could meet to go through the Public Works budget. They agreed to meet Monday or Tuesday at 4:00 or 5:00 PM.

Selectman Harmon encouraged the other Selectmen to get their budget forms to Bev Gammon to type up so they can meet to go over the Administration budget.

7. Old Business

None

8. New Business

None

9. Executive Orders

There were no Executive Orders.

10. Executive Orders by Initiative

None

11. Accounts Payable and Payroll Warrants

E.O. 151602012 – An order approving expenditures as documented in the Accounts Payable Warrant #71

Approved 5-0

The amount was \$578,292.72

E.O. 151602013 – An order approving expenditures as documented in Payroll Warrant #70

Approved 5-0

The amount was \$48,558.30

12. Next Meeting of the Board

The Board of Selectmen will be meeting Thursday, February 18 at 4:00 PM to interview selected candidates for the Police Chief position.

Planning Board Meeting Monday, February 22 at 7:00 PM

Budget Committee Meeting Tuesday, February 23 at 6:30 PM

Board of Selectmen Meeting Wednesday, February 24 at 7:00 PM

The next MSAD #6 Budget Advisory Committee meeting will be on Thursday, February 25 at 6:00 PM at Central Office

The Board of Selectmen will be meeting either Monday or Tuesday to go over the Public Works Budget and will let everyone know when the date and time is confirmed.

13. Other Business

None

14. Public Comments and Questions

Robert Elwell went to the podium and asked why the amount of the Accounts Payable Warrant is so high.

The Selectmen told him it is because of the payment to SAD #6

Mr. Elwell asked if that is a monthly payment and the Board confirmed it is.

There were no other comments or questions.

15. Executive Session

None

16. Adjournment

*Motion made and seconded to adjourn the meeting at 7:49 PM
Approved 5-0*

Clifford L. Emery, Selectman

Jean C. Harmon, Selectman

Peter E. W. Burns, Selectman

Dennis P. Santolucito, Selectman

Chad E. Poitras, Selectman

Date Signed: _____

Recorded by Kyle Durkin